

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 22-cv-24029-BLOOM

JOB DORRIELAN,

Petitioner,

v.

ICE, et. al.,

Respondent.

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ORDER

THIS CAUSE is before the Court on Petitioner Job Dorrielan's motion for release, ECF No. [18], filed on January 27, 2023. Therein, Petitioner argues that he is entitled to immediate release from custody under the preliminary injunction issued in *Frailhat v. U.S. Immigr. & Customs Enf't*, 445 F. Supp. 3d 709, 718 (C.D. Cal. 2020), *order clarified*, No. EDCV191546JGBSHKX, 2020 WL 6541994 (C.D. Cal. Oct. 7, 2020), and *rev'd and remanded*, 16 F.4th 613 (9th Cir. 2021).

Even if the Court has subject matter jurisdiction over this action,¹ the Ninth Circuit Court of Appeals vacated the preliminary injunction issued in *Frailhat* and directed that all orders premised on it be vacated. *Avdulahaj v. Warden of Krome Processing Ctr.*, No. CV 21-23497, 2022 WL 17851633, at *2 (S.D. Fla. Apr. 7, 2022) (citing *Frailhat v. U.S. Immigration and Customs Enforcement*, 16 F.4th 613, 619 (9th Cir. 2021)). Thus, Petitioner is not entitled to relief on these grounds.

¹ Respondents contend that this Court lacks subject matter jurisdiction over this action because a six-month custodial period following an order of removal has not elapsed prior to the filing of the habeas petition in this case. ECF No. [19] (citing *Fahim v. Ashcroft*, 227 F. Supp. 2d 1359, 1363 (N.D.Ga. 2002)).

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Accordingly, it is **ORDERED AND ADJUDGED** that Petitioner's Motion for Release, **ECF No. [18]**, is **DENIED**.

DONE AND ORDERED in Chambers at Miami, Florida, on January 31, 2023.

A handwritten signature in black ink, appearing to be 'JB' or similar, written over a horizontal line.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

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